

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
BARRY FRANK	§	Case No. 18-42131
xxx-xx-1258	§	
	§	
Debtor	§	Chapter 7

AMERICAN RECEIVABLE CORP.	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 19-4001
	§	
BARRY FRANK	§	
	§	
	§	
Defendant	§	

**ORDER STRIKING DEFENDANT’S UNAUTHORIZED SUR-REPLY
TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

ON THIS DATE the Court considered the Plaintiff’s Objection to Defendant’s Sur-Reply filed by the Plaintiff, American Receivable Corporation, on March 20, 2020. The Court finds that, in violation of ¶ 3(C) of the *Scheduling Order Arising from Initial Management Conference* issued on June 25, 2019, the Defendant, Barry Frank, filed a Sur-Reply to the Plaintiff’s Motion for Summary Judgment on March 20, 2020 without obtaining leave of court.. The Scheduling Order provided that “[n]o sur-replies shall be filed without leave of court and such shall not be granted in the absence of exigent circumstances.” Absent any request for leave, the Court finds that just cause exists for

entry of the following order.

IT IS THEREFORE ORDERED that the Defendant's Sur-Reply to the Plaintiff's Motion for Summary Judgment filed without leave of court on March 20, 2020 [dkt #65] is hereby **STRICKEN**.

Signed on 03/27/2020

A handwritten signature in cursive script, appearing to read "Bill Parker", is written above a horizontal line.

THE HONORABLE BILL PARKER
CHIEF UNITED STATES BANKRUPTCY JUDGE